



RCE/1617  
B  
Zew

## REQUEST

FOR

## CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. §132, effective May 29, 2000, provides for continued examination of a utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).

Application No.:	09/868,515
Filing Date:	June 18, 2001
First Named Inventor:	SCHELBERGER
Confirmation No.:	1391
Group Art Unit:	1617
Examiner:	S. A. Jiang
Docket No.:	PF ++49651

**This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.**

**NOTE:** 37 C.F.R. §1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. §1.53(d) (PTO/SB/29) instead of an RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

### 1. Submission required under 37 C.F.R. §1.114

- a.  Previously submitted
  - i.  Consider the amendment(s)/reply under 37 C.F.R. §116 previously filed on \_\_\_\_\_.  
(Any unentered amendment(s) referred to above will be entered).
  - ii.  Consider the arguments in the Appeal Brief and/or Reply Brief previously filed on \_\_\_\_\_.
  - iii.  Other \_\_\_\_\_.
- b.  Enclosed
  - i.  Amendment/Reply
  - ii.  Affidavit(s)/Declaration(s)
  - iii.  Information Disclosure Statement (IDS)
  - iv.  Other \_\_\_\_\_.

### 2. Miscellaneous

- a.  Suspension of action on the above-identified application is requested under 37 C.F.R. §1.103(c) for a period of 3 months. (Period of suspension shall not exceed 3 months. Fee under 37 C.F.R. §1.17(i) required)
- b.  Other \_\_\_\_\_.

### 3. Fees

The RCE fee under 37 C.F.R. §1.17(e) is required by 37 C.F.R. §1.114 when the RCE is filed.

- a.  The Director is hereby authorized to charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, or credit any overpayments, to Deposit Account No. 11.0345.
- b.  Check in the amount of \$ 900.00 enclosed to cover the following fees:
  - i.  RCE fee required under 37 C.F.R. §1.17(e) (\$ 770.00)
  - ii.  Extension of time fee (37 C.F.R. §§1.136 and 1.17)
  - iii.  Suspension of action fee (37 C.F.R. §§1.103 and 1.17(i)) (\$ 130.00)
  - iv.  Other \_\_\_\_\_.
- c.  Payment by credit card (Form PTO-2038 enclosed)

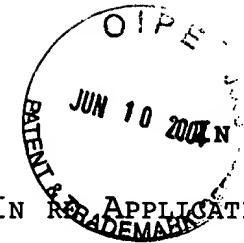
### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

NAME (PRINT/TYPE)	Herbert B. Kell	REGISTRATION NO.:	18,967
SIGNATURE			

### CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Alexandria, Va 22313-1450, on:

NAME (PRINT/TYPE)	Herb B. Kell	DATE:	6/9/04
SIGNATURE			



JUN 10 2004 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION

OF: SCHELBERGER ET AL.

CONFIRMATION NO.: 1391

SERIAL NO. 09/868,515

GROUP ART UNIT: 1617

FILED: JUNE 18, 2001

EXAMINER:

FOR: FUNGICIDAL MIXTURES BASED ON MORPHOLINE OR PIPERIDINE  
DERIVATIVES AND OXIME ETHER DERIVATIVES

SHAOJIA A. JIANG

Honorable Commissioner  
for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION

PRELIMINARY SUBMISSION

Sir:

In reply to the Office action of March 09, 2004, it is respectfully requested that the following preliminary remarks be entered and considered for further prosecution of the above-identified application:

PRELIMINARY REMARKS

Claims 12 to 23 as set forth in Appendix II of applicants' request for continued examination dated April 22, 2003, and as renumbered by the Examiner are currently pending in this case.

Claims 12 to 23 stand rejected under Section 112, ¶1, as relating to subject matter which is insufficiently enabled by the information